

Introduced by Senator Runner

February 7, 2005

An act to add Section 123451 to the Health and Safety Code, relating to abortion.

LEGISLATIVE COUNSEL'S DIGEST

SB 147, as introduced, Runner. Fetal pain prevention.

Existing law, the Therapeutic Abortion Act, contains provisions regulating abortions, including a requirement that the procedure be performed by a physician and surgeon.

This bill would, for an abortion, as defined, performed in the 3rd trimester of pregnancy, require the physician performing the abortion to offer to the pregnant woman information and counseling on fetal pain and offer to the pregnant woman anesthesia for the fetus. The bill would require the physician to arrange for anesthesia to be administered, if the pregnant woman voluntarily consents to administration of anesthesia for the fetus. The bill would require the pregnant woman to sign a document that information and counseling on fetal pain was provided and that the physician offered anesthesia for the fetus.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 123451 is added to the Health and
- 2 Safety Code, to read:
- 3 123451. (a) This section shall be known and may be cited as
- 4 the Fetal Pain Prevention Act.

(b) For purposes of this section, the following definitions shall apply:

(1) “Abortion” means the use or prescription of any instrument, medicine, drug, or any other substance or device, intended to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth.

(2) “Prenatal care provider” has the same meaning set forth in Section 125107.

(3) “Third trimester” means the prenatal care provider has determined that the pregnant woman is at least 26 weeks pregnant.

(c) For an abortion performed in the third trimester of pregnancy, the physician and surgeon performing the abortion shall offer information and counseling on fetal pain to the pregnant woman. This information and counseling shall include, but not be limited to, all of the following:

(1) The development of the nervous system of the fetus and information on fetal responsiveness to adverse stimuli.

(2) A description of the actual steps in the abortion procedure to be administered.

(d) For an abortion performed in the third trimester of pregnancy, the physician and surgeon performing the abortion shall offer to the pregnant woman anesthesia for the purposes of the fetus. The offering of anesthesia for the fetus shall include, but not be limited to, all of the following:

(1) The purpose of anesthesia for the fetus.

(2) The effects on both the fetus and the pregnant woman when anesthesia is administered to the fetus.

(3) The voluntary nature of receiving anesthesia for the fetus.

(e) If the pregnant woman voluntarily consents for anesthesia to be administered to the fetus, the physician and surgeon shall arrange for anesthesia to be administered.

(f) Prior to the abortion procedure, the pregnant woman shall sign a document that information and counseling on fetal pain was provided and that the physician and surgeon offered anesthesia for the fetus.

(g) Nothing in this section shall be construed to require the use of anesthesia for the fetus.

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